



Department of Energy
Washington, DC 20585

AUG 21 2019

Mr. Austin R. Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Via email: foia@americanoversight.org

Re: HQ-2018-00593-F

Dear Mr. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

On January 17, 2018, media reports surfaced that a DOE photographer was put on administrative leave and his employment agreement was not extended after he disclosed photographs of Secretary Rick Perry meeting with Robert E. Murray, a political contributor of both President Trump and Secretary Perry and the head of Murray Energy Corporation, the largest privately owned coal company in the United States.' American Oversight seeks records to inform the public of the circumstances surrounding the allegation.

All emails between or among any political appointees in the Office of the Secretary or the Office of the Deputy Secretary that include any of the following terms:

- a. "America First"
- b. "America Flrst"
- c. "AmericaFirst"
- d. "AmericaFlrst"
- e. "AFA"
- f. "A1A"
- g. "PAC"

Please provide all responsive records from December 5, 2017, through the date of the search.

Your request was assigned to DOE's Office of the Executive Secretariat (ES) to conduct a search of its files for responsive documents. ES started its search on April 25, 2018, which is the cut-



off date for responsive documents. ES has completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for ES. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in ES.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our February 16, 2018 letter, you were informed that your request had been placed in the "other" category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. In that same letter, DOE informed you that your fee waiver request was granted. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact me or Lars Hydle in this office at:

MA-46/Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 287-6730

I appreciate the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Morris', with a large, sweeping flourish extending to the right.

Alexander C. Morris
FOIA Officer
Office of Public Information